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LEGISLATIVE DEPARTMENT.

The 189

The following revised Draft Regulation which is under the consideration of the Government of His Highness the Maharaja of Mysore is published for general information, together with a memo of alterations.

By order,
C. MEENACSHAIYA,
Legislative Secretary.

(REVISED DRAFT.)

REGULATION NO. OF 189

A Regulation to Prevent Infant Marriages in the Territories of Mysore.

WHEREAS it is expedient to prevent Infant Marriages in the Territories of Mysore, His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. This Regulation may be called "The Mysore Infant Marriages Prevention Regulation."

Short title.

(2) It shall extend to the whole of the Territories of Mysore, but it shall apply only to marriages among the Hindus. It shall come into operation at the expiration of six months from the date of its publication in the official Gazette.

Extent and commencement.

2. For the purposes of this Regulation, an "infant girl" means a girl who has not completed eight years of age.

Definition.

3. Any person who causes the marriage of an infant girl, or who knowingly aids and abets within the meaning of the Indian Penal Code such a marriage, and any man who having completed eighteen years of age marries an infant girl, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Punishment for causing or abetting infant marriages.

4. Any man who having completed fifty years of age marries a girl who has not completed fourteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment of a man more than fifty years old marrying a girl under fourteen years of age.

5. Any person who causes the marriage of a girl who has not completed fourteen years of age, with a man who has completed fifty years of age, and any person who knowingly aids and abets, within the meaning of the Indian Penal Code, such a marriage, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Punishment for abetment of offence provided against in section 4.

6. No offence punishable under this Regulation shall be tried by any Court inferior to that of a Magistrate of the District.

Offences under the Regulation by whom triable.

7. No marriage which has actually taken place, shall be deemed to be invalid, on the ground of the penalties provided by this Regulation.

Validity of marriages, notwithstanding the penalties provided by the Regulation.

8. No prosecution under this Regulation shall be instituted without the previous written sanction of the Government accorded after such enquiry as the Government may deem fit to make.

No prosecution to be instituted without the previous sanction of Government.

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MEMO OF ALTERATIONS.

Mysore Infant Marriages Prevention Regulation.

1. The Draft Regulation published on 27th July 1893 was fully discussed at the meeting of the Representative Assembly held at Mysore in October 1893. Amidst much unenlightening criticism there were some practical and sensible suggestions. The evils of early marriages were generally admitted, but the fewness of such marriages was put forward by some speakers as an argument against legislation. But as penal legislation is as a rule aimed against a minority of evil doers in a community, and the evil doers in respect of the offences contemplated by the Regulation are on the increase, as shown by the census statistics, Government are unable to accept the argument of non-intervention as of any value in the present case.

2. The evil of infant marriage, properly so called, exists only among the Hindus, and the application of the Regulation will accordingly be restricted to Hindu marriages. Among the Hindus, marriage is a religious ceremony, the performance of which creates the relationship of husband and wife, which relationship when once created by the prescribed religious ceremony is binding upon the wife throughout her lifetime, and neither a divorce nor the death of the husband can make her eligible for re-marriage, which is prohibited to every Hindu woman.

3. The provisions relating to the marriage of boys under fourteen will be omitted with a view to simplify the enactment by confining its provisions to the main object in view, namely, protection to infant girls.

4. Having regard to the absence of a law enforcing the registration of births and deaths, as well as the general sentiment on the subject of enquiries into the age of girls, a section will be added providing the previous sanction of the Government to be necessary for every prosecution under this Regulation. This provision will be an effectual check upon vexatious or improper prosecutions under the Regulation.

The Draft Regulation revised in accordance with the above views, will be published in English and Kanarese in three successive issues of the official Gazette.

K. S.

21st August 1894.